

McGuireWoods LLP
434 Fayetteville Street
Suite 2600
P.O. Box 27507 (27611)
Raleigh, NC 27601
Tel 919.755.6600
Fax 919.755.6699
www.mcguirewoods.com

Charles D. Case
Direct: 919.755.6699

McGUIREWOODS

ccase@mcguirewoods.com
Fax: 919.755.6675

February 22, 2018

VIA U.S. MAIL

Regional Freedom of Information Officer
U.S. EPA, Region 4
Atlanta Federal Center Building
61 Forsyth Street, S.W., 9th Floor
Atlanta, GA 30303-8960

Re: Freedom of Information Act Request

Dear Sir/Madam:

On behalf of E.I. Dupont de Nemours and Company ("DuPont"), we submit this request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the United States Environmental Protection Agency's (the "Agency" or "EPA") FOIA regulations, 40 C.F.R. Part 2, and hereby requests copies, or reasonable access for the purposes of inspection and copying, of all documents and information received or otherwise under the control of the EPA as outlined below.

For purposes of these requests, "document" refers to any electronic, written, graphic, video, or audio matter, however produced or reproduced, whether draft or final versions, and including but not limited to correspondence, e-mails, notes, interoffice communications, reports, memoranda, minutes, summaries, telephone records, telephone message logs or slips, PowerPoint presentations, meeting agendas, transcripts, call lists, spreadsheets, maps, photographs, data compilations, indices, privilege logs, or calendars.

In responding to these requests, EPA's search should encompass, but should not be limited to: (a) documents sent to or from e-mail addresses used by current or former EPA employees and representatives, regardless of whether such addresses are private or secondary addresses or official addresses; (b) documents generated for any meeting which EPA participated or conducted, including agendas, spreadsheets, PowerPoint presentations, and notes; and (c) documents relating to or evidencing presentations made by any party to agencies or entities other than EPA.

If a requested document is not in your possession, custody, control, or otherwise not accessible by you, but you are aware or have reason to believe that such documents exist, please let me know what entity or party you understand to be in possession, custody, or control of such documents and/or where such document might be located.

We request EPA to produce the following records:

A. General Records Regarding GenX

1. All documents and correspondence concerning chemical substances by the following names, which is commonly known and referred herein as “the Chemicals”:
 - a. “HFPO Dimer Acid,” “CAS No.: 13252-13-6,” “P-08-508,” or “Perfluorinated Aliphatic Carboxylic Acid.” Also referred to, among other names, as C3 Dimer Acid, FRD903, GX903, C3DA, or Propanoic acid, 2,3,3,3-tetrafluoro-2-(1,1,2,2,3,3,3-heptafluoropropoxy)-, or by its chemical structure $\text{CF}_3(\text{CF}_2)_2\text{OCF}(\text{CF}_3)\text{COOH}$; and
 - b. “HFPO Dimer Acid Ammonium Salt,” “CAS No.: 6037-80-3,” “PMN:P-08-509,” or “Perfluorinated Aliphatic Carboxylic Acid, Ammonium Salt.” Also referred to, among other names, as C3 Dimer Acid ammonium Salt, FRD902, or Propanoic acid, 2,3,3,3-tetrafluoro-2-(1,1,2,2,3,3,3-heptafluoropropoxy)-ammonium salt, or by its chemical structure, $\text{CF}_3\text{CF}_2\text{CF}_2\text{OCF}(\text{CF}_3)\text{COOH}(\text{NH}_3)$ or $\text{CF}_3\text{CF}_2\text{CF}_2\text{OCF}(\text{CF}_3)\text{CF}_2\text{-NH}_4^+$.
 - c. “GenX” or “C3 Dimer Acid”
2. All correspondence with the North Carolina Department of Environmental Quality (“NC DEQ”, formerly known as the North Carolina Department of Environment and Natural Resources or “NC DENR”), or the North Carolina Department of Health and Human Services (“DHHS” or “NC DHHS”) (referred to collectively herein as the “State Agencies”) concerning the Chemicals.
3. All internal evaluations of toxicity, persistence, or epidemiological impacts of the Chemicals.
4. All documents and correspondence concerning risk assessments, toxicity or toxicology evaluations, safety or hazard studies or analyses, potential designation as a “hazardous pollutant” or “toxic pollutant” or “hazardous substance” or “suspected, probable, or known carcinogen” or other similar designation under any law administered by EPA, of potential hazard or harmfulness relating to the Chemicals. The foregoing includes, but is not limited to, all analyses, evaluations, risk assessments, studies or data collections or manipulations by EPA’s IRIS Program, National Center for Environmental Assessment, Office of Research and Development, or Office of Chemical Safety and Pollution Prevention.
5. All documents and correspondence associated with EPA’s consideration of, comment on, consultation regarding and analyses or reviews concerning the establishment of i) a federal drinking water standard, MCL, or MCLG under the Safe Drinking Water Act, ii) a federal health advisory level, or iii) the designation

of a provisional health goal for safe drinking water by the NC DHHS for the Chemicals.

- a. All documents and correspondence associated with the NC DHHS announcement (on or around June 8, 2017), consideration or designation of a provisional health goal for the Chemicals of 71,000 parts per trillion ("ppt") or 71 parts per billion ("ppb").
- b. All documents and correspondence associated with the NC DHHS announcement (on or around July 14, 2017), consideration or designation of a provisional health goal for the Chemicals of 140 ppt.

B. TSCA Requests:

6. All documents and correspondence in the possession of the EPA, including but not limited to the Office of Prevention, Pesticides and Toxic Substances, the Office of Chemical Safety and Pollution Prevention (OCSSPP), the Office of Pollution Prevention and Toxics (OPPT), the Chemical Control Division, or the New Chemicals Notice Management Branch, concerning TSCA Consent Order P-08-508 & 509 (the "Consent Order") executed by Chemical Control Division Director Jim Willis on January 26, 2009.
7. All documents and correspondence with DuPont and/or The Chemours Company FC, LLC ("Chemours") concerning the Consent Order, including but not limited to the negotiation of the Consent Order, implementation of the Consent Order, and compliance with the Consent Order.
8. All documents and correspondence concerning the "Control of Effluent & Emissions" section of the Consent Order set forth at Page 36 of the Consent Order and the topics contained therein.

C. Records Regarding Fayetteville Works

9. All documents and correspondence relating to any EPA action, communication, analyses, comments, guidance or approvals concerning NPDES Permit No. NC0003573 for the Fayetteville Works facility owned and operated by DuPont and subsequently by Chemours, for the period 2000-present. The foregoing request includes, but is not limited to, review and communication with the NCDEQ or any other parties concerning permit applications or permit renewal applications and any correspondence, meetings or conversations associated therewith.
10. All documents and correspondence related to or resulting from either (i) inspections of or (ii) requests for information concerning the Fayetteville Works facility, undertaken pursuant to the Clean Water Act, Clean Air Act, the Toxic Substances Control Act, the Resource Conservation and Recovery Act, or any other EPA authority, for the period 2009-present.

11. All documents and correspondence in the files of EPA's Office of Water concerning the Fayetteville Works facility.
12. All documents and correspondence in the files of EPA's Office of Air and Radiation concerning the Fayetteville Works facility.
13. All documents and correspondence in the files of EPA's Office of Chemical Safety and Pollution Prevention concerning the Fayetteville Works facility.
14. All documents and correspondence in the files of EPA's Office of Resource Conservation and Recovery concerning the Fayetteville Works facility.
15. All documents and correspondence in the files of EPA's Office of Enforcement and Compliance Assurance concerning the Fayetteville Works facility.

D. Records Regarding Washington Works

16. All documents and correspondence related to EPA's involvement with, comment on, review and/or approval/disapproval in whole or in part of the January 31, 2012 West Virginia Department of Environmental Protection ("WV DEP") Consent Order No. 7418 establishing a limitation for the Chemicals of 17,500 ppt for the manufacturing facility in Washington, West Virginia owned and operated by Chemours and, prior to July 2015, by DuPont ("the Washington Works facility").
17. All documents and correspondence relating to any EPA action, communication, analyses, comments, guidance or approvals concerning NPDES Permit No. WV0001279 for the Washington Works facility, for the period 2007-present. The foregoing request includes, but is not limited to, review and communication with the WV DEP or any other parties concerning permit applications or permit renewal applications and any correspondence, meetings or conversations associated therewith.

E. Records Regarding C3 Dimer Acid Potassium Salt

18. All documents and correspondence referencing the chemical compound C3 Dimer Acid Potassium Salt (CAS No. 67118-55-2), also referred to, among other names, as the potassium salt of the GenX parent ion or potassium 2,3,3,3-tetrafluoro-2-(heptafluoropropoxy)propionate.

F. "Strynar" Requests:

19. All documents and correspondence with or in the possession of the EPA's Office of Research and Development (ORD), Methods Development and Applications Branch (MDAB), Human Exposure and Atmospheric Sciences Division (HEASD), or National Exposure Research Laboratory (NERL), referred to collectively herein as the "ORD Divisions," including but not limited to Dr. Mark Strynar, concerning the Chemicals or the Consent Order.

20. All documents and correspondence with or in the possession of the ORD Divisions, including but not limited to Dr. Mark Strynar, concerning the Fayetteville Works facility.
21. All documents and correspondence with or in the possession of the ORD Divisions, including but not limited to Dr. Mark Strynar, concerning perfluorinated compounds (PFCs) and the Cape Fear River in North Carolina.
22. All correspondence between the ORD Divisions, including but not limited to Dr. Mark Strynar, and DuPont or Chemours.
23. All correspondence between the ORD Divisions, including but not limited to Dr. Mark Strynar, and DEQ, DENR or DHHS.

G. FOIA Exemptions

Should you decide to invoke a FOIA exemption with regard to any of the requested records, please include in your full or partial denial letter sufficient information to appeal the denial. *See* 5 U.S.C. § 552(a)(6)(A)(i), (a)(6)(F). To comply with legal requirements, the following information must be included:

1. Basic factual material about each withheld item, including the originator, addressees and recipients, date, length, general subject matter, and location of each item; and
2. Explanations and justifications for the denial, including identification of the category within the governing statutory provision under which the document (or portion thereof) was withheld and a full explanation of how each exemption fits the withheld material.

If you determine that portions of a record requested are exempt from disclosure, please redact the exempt portions, identify and describe the withheld portions, specify the applicable exemption, and provide the remainder of the record. *See* 5 U.S.C. § 552(a)(6)(A)(i), (a)(6)(F), (b).

H. Timing and Mechanics of Production

We request that in responding to this letter, EPA comply with all relevant deadlines and other obligations set forth in FOIA and EPA's regulations, and we look forward to receiving your response within 20 working days. 5 U.S.C. § 552(a)(6)(A)(i); 40 C.F.R. § 2.104(a). Please produce records on a rolling basis; the search for—and deliberation concerning—certain documents should not delay the production of others that the EPA has already retrieved and could turn over. Please note that McGuireWoods is interested in working with the EPA to ensure that the burden associated with this FOIA request is minimized to the extent practicable, including discussing phased or prioritized document productions.

We prefer to receive electronic documents, and not paper copies, whenever possible. To the extent possible, we request that EPA provide the requested information in searchable, electronic format on CD, DVD, or external hard drives of sufficient size to contain the production. Electronic files should be provided in their original format, not in PDF containers. Individual e-

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mails, and their attachments, should be maintained as single MSG files. If this is not possible, then e-mails and their attachments should be provided in either PST or NSF containers, thereby preserving all attachments information.

We understand that there may be fees and costs associated with this request, and we agree to pay any fees or costs up to \$1000.00 associated with making these materials available to us. If the costs will be in excess of \$1000.00, please contact my paralegal, Sonna Greene, in my office (sgreene@mcguirewoods.com or 919.755.6672) or me at the number provided above before such costs are incurred.

In responding to the present letter, please mail copies of all requested documents, indices and logs, and any invoice for reasonable FOIA fees to the undersigned.

Thank you for your assistance.

Very truly yours,



Charles D. Case

cc: National Freedom Information Officer
U.S. EPA
Regional Freedom of Information Officer
U.S. EPA, Region 2
Regional Freedom of Information Officer
U.S. EPA, Region 3
Regional Freedom of Information Officer
U.S. EPA, Region 5